

**REMARKS**

Claims 1, 2, 4, 5, 7 and 9-15 are pending and under examination. The rejection of claims 1, 2, 4, 5, 7 and 9-15 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is respectfully traversed in view of the amendments offered herein. The expression "said grooves" in claim 1, line 6 has been amended to read "said narrower grooves".

The rejection of claims 1, 2, 4, 5, 7 and 9-15 under 35 U.S.C. 103(a) as being unpatentable over Tanaka (EP 594380) in view of Croyle et al. (US 5,360,043), Europe '577 (EP 710577) and Verdier (US 3,682,220) is respectfully traversed.

The primary reference, Tanaka, discloses a pneumatic tire which comprises a tread portion having a convex profile, a pair of axially spaced bead portions, and sidewall portions extending therebetween, in which the tread portion is provided with a circumferentially extending continuous groove having groove edges, the circumferentially groove having a width of more than 16 percent of the ground contacting width whereby the overall tire noise, especially air resonance is reduced without deteriorating wet performance. Tanaka differs from the present invention in that Tanaka does not recite using more than one narrow groove.

The secondary Croyle et al. reference discloses an asymmetric directional tread for a tire in which the tread has a plurality of ground engaging tread elements separated by grooves. The grooves include one wide circumferentially continuous groove, a plurality

of circumferentially continuous grooves of an intermediate width between greater than  $1/2$  and  $3/4$  of the width of the wide continuous groove, at least one narrow circumferentially continuous groove having a width of  $1/10$  to less than  $1/3$  of the width of the wide groove located between a lateral edge and a circumferentially continuous groove of a greater width and first and second sets of laterally extending grooves. The first set extends from the outboard lateral edges to an end location within five percent of the tread width from the equatorial plane. The second set extends from the inboard lateral edge to an end location within five percent of the tread width from the equatorial plane.

The combination of the teaching of Croyle et al. with Tanaka amounts to a disclosure of a tread for a pneumatic tire in which the water evacuation capacity of the tire is improved and the number of intermediate grooves and narrow grooves may be varied on tire size. However, the combination of Croyle et al. with the teaching of Tanaka does not lead to the configuration of the tread groove as defined and claimed in the present application. The reference EP '577 is relied upon by the Examiner in combination with the primary and other secondary references to teach that a low aspect ratio pneumatic radial tire may have a ground contact width of 120 to 240 mm and as such the groove width for the wide groove of Tanaka would be derivable as 38.4 mm. However, the narrower groove width is not taught by such a combination of references.

The Examiner considers that the width of the narrower groove is obvious and could have been determined without undue experimentation in view of Tanaka's suggestion to provide the narrow groove with a width of less than 8 percent TW to reduce noise and improve wet performance.

The issue of the inclination of the walls of the circumferential grooves with respect to the circumferential plane is discussed by the Examiner on page 4 of the Office Action in the first full paragraph. This aspect of the tire tread according to the present invention is indicated to be suggested by the Verdier reference and this reference discloses wide tire tread divided by two continuous longitudinal grooves into three circumferential zones of substantially equal width. Each of the longitudinal grooves has a width at least equal to its depth, and each of the circumferential zones comprises grooves extending in a non-longitudinal direction. It is difficult to understand how the Verdier reference can be included in a combination of references because it seems to lack motivation to be combined with the primary reference Tanaka '380.

In summary, the primary reference Tanaka which is a patent owned by the assignee of the present application discloses a tire with two wide grooves which in no way is suggesting the combination of one wide and at least two narrow circumferential grooves according to the present claims in this application. The

combination of references by the Examiner cannot be supported because motivation for the combination of the references is lacking.

It is noteworthy that the primary reference is combined by the Examiner with as many as three secondary references but it is unclear what motivation to combine the primary reference with the secondary references exist. It is improper to pick and choose from a number of references having the disclosure of the application in mind and this appears to be pure hindsight argumentation based upon the knowledge of the invention gleaned from the present application but not based on the teachings of the primary references alone.

Reconsideration of the rejection is respectfully urged in view of the amendment of the claims and the argument herein.

#### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward H. Valance (Reg. No. 19,896) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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